IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2511 of 1999

with

SPECIAL CIVIL APPLICATION No 2514 of 1999

and

SPECIAL CIVIL APPLICATION No 2515 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GULAMHUSN MUSTUFAMIYA SAIYED

Versus

CHIEF OFFICER

Appearance:

(In All S.C.A.s:)

MR TR MISHRA for Petitioner

MS MANISHA LAVKUMAR for MR PREMAML JOSHI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/07/2000

ORAL JUDGEMENT

#. Perused the special civil applications.

#. Re.: special civil application No.2511 of 1999. Here, the petitioner, a retired employee of the respondent No.1 is praying for directions to the respondents to calculate and pay the arrears of 4th and 5th Pay Commission Recommendation to the petitioner together with 18% interest thereon from the date it was due and payable till the date of payment thereof.

#. The petitioner has retired from services of the Nagarpalika on 1.12.95. Before approaching this court, the petitioner has also sent a notice of demand through advocate which is dated 21.1.99, annexure-A, but this notice even was not acknowledged what to say to give reply to the same by respondents.

#. Re.: special civil application No.2514 of 1999. Here also, again a retired employee of the respondent No.1 filed this special civil application and prayer has been made therein for directions to the respondents to realise all the terminal benefits like provident fund, gratuity, LTC, arrears arising out of 4th and 5th Pay Commission, provident fund share on the arrears of pay commissions, with 24% interest thereon.

#. Re.: special civil application No.2515 of 1999. In this case also, a retired employee of respondent No.1, prays for direction to the respondents to pay all the terminal benefits to him, the details of which are given in paragraph-1 of the special civil application.

#. Earlier also in these matters, direction was given to the Director of Municipalities to decide the notice of demand sent by petitioners but nothing has been done by that officer and on the request of the petitioners, these special civil applications were revived.

#. This action of the respondent No.2 is wholly arbitrary and unjustified and it deserves to be deprecated. It is unfortunate that for the retirement benefits or for the benefit of revision of pay scale, these low paid employees and more so retired employees are coming up before this court. I fail to see why this hierarchy of these officers has been created at the cost of people's money if those officers are not taking care of these matters.

#. The respondent No.1 is directed to decide the claim of the petitioners as made in these special civil applications within a period of one month from the date of receipt of writ of this order. He has to pass a

reasoned order. Where the petitioners are found entitled for reliefs as prayed for by them in these special civil applications, necessary determination of those, the amounts under different heads is to be made within next one month and within fifteen days thereof, these amounts have to be paid to the petitioners. The petitioners shall be entitled for interest thereon @ 12% p.a.. The respondent No.1 is directed to pay to each petitioner, a sum of Rs.2000/- as costs of their special civil applications. Compliance of this order has to be reported to this court by respondent No.1. Liberty is granted to the petitioners for revival of the special civil applications where any adverse orders are passed by respondent No.1. The special civil applications and Rule therein stand disposed of in aforesaid terms.

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(sunil)